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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. CR10-124-MJP
11 Plaintiff,)
12)
13 v.)
14 SINISA GAVRIC,)
15)
16 Defendant.)
17)
18)
19)
20)

21 Offense charged: Conspiracy to Distribute Marijuana

22 Date of Detention Hearing: May 3, 2010

23 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
24 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
25 that no condition or combination of conditions which defendant can meet will reasonably assure
26 the appearance of defendant as required and the safety of other persons and the community.

27 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

28 1. Defendant has been charged with a drug offense the maximum penalty of which
29 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

01 dangerousness and flight risk, under 18 U.S.C. §3142(e).

02 2. Defendant was born in Bosnia, and moved to Ontario, Canada with his family in
03 1996. He relocated to Vancouver, BC in 2006. He has family members and a girlfriend in
04 Bosnia, and traveled to that country recently. He was previously married for six months to a
05 Serbian national who resides in Canada. The defendant is a citizen of Bosnia and a permanent
06 resident of Canada, in the process of becoming a citizen of Canada. It appears that a conviction
07 for the current charges would seriously threaten his ability to reside in Canada.

08 3. Defendant reports self-employment as a painter for the last three years. The
09 AUSA proffers that the circumstances surrounding the instant charges indicate a substantial
10 marijuana smuggling endeavor involving a number of other individuals. Defendant and the other
11 individuals were allegedly arrested while traversing a wooded area on snowshoes with large
12 quantities of marijuana in their backpacks. The defendant's backpack included several machetes.

13 4. Defendant poses a risk of nonappearance due to his Bosnian citizenship and the
14 likely adverse affect a conviction in the instant case would have on his attempt to become a
15 Canadian citizen. An immigration detainer has been filed, posing the risk that the defendant
16 might be deported to Bosnia, rather than to Canada. He has strong ties to Bosnia, and his source
17 of income is unverified. Defendant poses a risk of danger due to the nature of the current charges
18 and alleged possession of machetes.

19 5. Taken as a whole, the record does not effectively rebut the presumption that no
20 condition or combination of conditions will reasonably assure the appearance of the defendant
21 as required and the safety of the community.

22 It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 3rd day of May, 2010.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge